

**IN THE UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.** 5:19-cv-18-DCB-MTP

**MARY WALKER**

**DEFENDANT**

**COMPLAINT**

Plaintiff United States of America, by and through D. Michael Hurst, Jr., United States Attorney for the Southern District of Mississippi, and Assistant United States Attorney Kristi H. Johnson, hereby brings this civil action to recover all available damages and other monetary relief under the common law. The United States alleges the following:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1345, and 1355.
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1395 because the acts alleged in this Complaint occurred in whole or in part in the Southern District of Mississippi.

**PARTIES**

3. Plaintiff is the United States of America (“United States”).
4. Defendant Mary Walker (“Walker”) is a citizen and resident of Woodville, Mississippi.

### **OVERVIEW OF ALLEGATIONS**

5. Through the Social Security Administration (“SSA”), the United States administers the Supplemental Security Income (“SSI”) program (42 U.S.C. § 1381, *et seq.*), which is a needs-based program designed to provide supplemental income to eligible individuals.

6. SSA considers the resources and income of the applicant’s and/or recipient’s household to determine SSI eligibility and benefit amounts.

7. On August 22, 2005, Mary Walker applied for SSI benefits with SSA in Natchez, Mississippi. Walker represented to SSA that she resided alone at 12541 Hwy 24 West, Woodville, Mississippi. SSA subsequently approved Walker for SSI benefits effective August 22, 2005.

8. On June 15, 2010, Walker underwent a redetermination of SSI benefits. In the redetermination, Walker again represented to SSA that she continued to reside alone at the same address. She underwent six (6) additional redeterminations in later years and provided the same information to SSA with respect to her living arrangements on the following dates: May 10, 2011; December 9, 2011; May 7, 2013; March 28, 2014; April 13, 2015; and August 18, 2016.

9. On March 13, 2017, the Social Security Administration, Office of the Inspector General, subsequently determined that contrary to Walker’s assertions that she resided alone in her application and in her redeterminations, she in fact did not reside alone. During the entire time Walker applied for and received SSI benefits, Walker resided with her husband, whose income was over the SSI limit.

10. Had SSA known of Walker’s actual living and financial arrangement, SSA would not have approved and continued Walker’s SSI benefits. Consequently, between September 2005 and March 2017, Walker wrongfully received SSI benefit payments to which she was not

entitled in the sum of sixty-eight thousand, nine hundred thirty-three dollars and forty-four cents (\$68,933.44). *See* SSA Certification Letter dated August 6, 2018, and attached as Exhibit A.

**First Claim for Relief**  
**Payment by Mistake of Fact**

11. The United States incorporates by reference and re-alleges herein the allegations set forth in paragraphs 1 to 10 above.

12. This is a claim for recovery of monies paid to Mary Walker under mistake of fact.

13. Walker repeatedly misrepresented to SSA that she lived alone. Because of Walker's misrepresentations, SSA approved her application for SSI benefits. That application resulted in Walker receiving sixty-eight thousand, nine hundred thirty-three dollars and forty-four cents (\$68,933.44) in SSI benefits.

14. The Social Security Administration, Office of the Inspector General, subsequently determined that contrary to Walker's assertions that she resided alone in her application and in her redeterminations for benefits, she in fact did not reside alone. She resided with her husband during the entire time she applied for and received SSI benefits.

15. Because of this mistake of fact, SSA paid monies to Walker to which she was not entitled.

16. By reason of the wrongfully-received payments described above, the United States is entitled to damages in an amount to be determined at trial.

**Second Claim Relief**  
**Unjust Enrichment**

17. The United States incorporates by reference and re-alleges herein the allegations set forth in paragraphs 1 to 16 above.

18. Walker has been unjustly enriched to the detriment of the United States in the amount of sixty-eight thousand, nine hundred thirty-three dollars and forty-four cents (\$68,933.44) in SSI benefits that the United States paid.

19. These are monies that Walker in good conscience should not be allowed to retain.

20. By reason of the wrongfully-received payments described above, the United States is entitled to damages in an amount to be determined at trial.

WHEREFORE, the United States prays for relief as follows:

a. On the First Claim for Relief (Payment by Mistake of Fact) and Second Claim for Relief (Unjust Enrichment), judgment against Mary Walker for the damages sustained by the United States in an amount to be determined at trial, plus pre-judgment interest and post-judgment interest, costs and other proper relief.

b. All other legal and equitable relief, including but not limited to restitution, constructive trust and an accounting, and disgorgement of profits which the Court finds to be just and proper.

Respectfully submitted this 26th day of February, 2019.

D. MICHAEL HURST, JR.  
*United States Attorney*

By: /s/ Kristi H. Johnson  
KRISTI H. JOHNSON, (MS Bar No. 102891)  
*Assistant United States Attorney*  
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Jackson, Mississippi 39201-0101  
Phone: 601-973-2887  
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E-Mail: Kristi.Johnson2@usdoj.gov

# Social Security Administration Supplemental Security Income

SOCIAL SECURITY  
110 LOWER WOODVILLE RD  
NATCHEZ, MS 39120-9942  
Date: August 07, 2018  
BNC#: 18D1896B63578  
LKA

MARY WALKER  
12541 HWY 24 WEST  
WOODVILLE, MS 39669-4124

Dear MARY WALKER

Total debt due to the United States as of 08/06/2018: \$68,933.44.

I certify that the Social Security Administration records show that the debtor(s) shown above is/are indebted to the United States in the amount stated above.

The claim arose in connection with an overpayment of Supplemental Security Income (SSI) benefit payments.

Due to concealment of the fact Mary Walker was living in the household with spouse, Charles E. Walker, whose income was over the SSI limit, the debtor was ineligible for SSI benefits paid September 2005 through March 2017.

CERTIFICATION: Pursuant to 28 USC section 1746, I certify under penalty of perjury that the foregoing is true and correct.

If you have any questions, you should call, write, or visit any Social Security office. If you visit an office, please bring this letter. It will help us answer your questions.

*Social Security Administration*

EXHIBIT

A

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Hinds  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Kristi H. Johnson, Esq.  
501 East Court Street, Jackson, MS 39201  
601-973-2887

## DEFENDANTS

MARY WALKER

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                        |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1331, 1345, and 1355

Brief description of cause:

Payment by Mistake of Fact and Unjust Enrichment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.  
DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/26/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Kristi H. Johnson

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_